

REMARKS/ARGUMENTS

Claims 24-36 are pending. By this Amendment, the specification and claims 28, 30-33 and 35 are amended, and claim 36 is added. Reconsideration in view of the above amendments and the following remarks is respectfully requested.

In the Office Action, the specification is objected to based on the passage of the original specification at page 6, lines 5-9. By this Amendment, that paragraph has been amended so as to avoid claim-like recitations. In addition, amendments are made to pages 2 and 4 in order to correct obvious typographical errors. Reconsideration and withdrawal of the objection are respectfully requested.

Claims 28-33 and 35 were rejected under 35 U.S.C. §112, second paragraph. This rejection is respectfully traversed. In the Office Action, each of these claims is rejected based on the invocation of 35 U.S.C. §112, sixth paragraph. By this Amendment, the means-type language has been removed from claims 28, 31, 32, 33 and 35. Accordingly, reconsideration and withdrawal of the rejection are respectfully requested.

Claims 28-33 and 35 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the written description requirement. This rejection is respectfully traversed.

Applicants respectfully submit that the original specification as filed provided a written description of the smoothening means (page 4, lines 7-9 and original claim 5), threshold-observation means (page 4, lines 13 and 14 and original claim 9), counting means (page 4, lines 15 and 16 and original claim 10) and feeding means (page 5, line 27 and original claim 12).

In any event, the claims have been amended to eliminate the "means" language objected to by the Examiner.

Moreover, the processor was described in these claims as comprising smoothing means, threshold observation means and counting means.

Reconsideration and withdrawal of the rejection are respectfully requested.

Claims 28-33 and 35 were rejected under 35 U.S.C. §112, first paragraph as failing to comply with the enablement requirement. This rejection is respectfully traversed since Applicants respectfully submit that one of ordinary skill in the art would have understood how to make and/or use the invention based on the original specification. For example, the functions of smoothing a reference relation, analyzing a correlation relation with respect to threshold criteria and counting the occurrence of predetermined criteria are all generally known in the art of signal and/or data processing.

Reconsideration and withdrawal of the rejection are respectfully requested.

The disclosure was objected to as lacking a description of the structure materials and acts that perform the function recited in the means plus function claims. However, as amended herein, none of the claims invoke means plus function format, therefore, Applicants respectfully submit that there is no need to amend the specification as requested in the Office Action.

Reconsideration and withdrawal of the rejection are respectfully requested.

Applicants appreciate the indication that claims 24-27 and 34 define patentable subject matter. However, in view of the above amendments and remarks, Applicants respectfully submit that all of the claims are patentable and that the entire application is in condition for allowance.

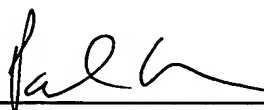
MADAUS et al.
Appl. No. 10/070,346
May 24, 2005

Should the Examiner believe that anything further is desirable to place the application in better condition for allowance, he is invited to contact the undersigned at the telephone number listed below.

Respectfully submitted,

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